IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Crl.MC.No. 2247 of 2007()

C.C.NO.764/2002 ON THE FILES OF J.F.C.M-III, THIRUVANANTHAPURAM

PETITIONER: ACCUSED

KOMALAN NAIR.K., S/O.LATE KRISHNA PILLAI
AGED 65 YEARS, RESIDING AT VAISAKH,
TC 19/2306(1), VATTAVILLA, THIRUMALA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.B.ASOKAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2247 of 2007

Dated this the 13th day of July, 2007

O R D E R

The petitioner faces indictment in a prosecution, inter alia, under Section 324 I.P.C. The petitioner had met with an accident. He is unable to move about. When the matter came up for trial on 05.06.2007, his counsel did not appear. Thereupon, a warrant of arrest has been issued against the petitioner. The petitioner finds the warrant of arrest chasing him. He is laid up and bed ridden. He is unable to proceed to Trivandrum and appear before the learned Magistrate. There is no dispute whatsoever about the identity of the accused. The petitioner is willing to appear through counsel on all future dates of posting. The petitioner may be exempted from personal appearance and his counsel may be permitted to represent him until further orders. This in short is the prayer made by the learned counsel for the petitioner. Annexure-A1 certificate produced by the petitioner shows that the petitioner is laid up.

2. I am, in these circumstances, satisfied that appropriate directions can be issued under Section 482 Cr.P.C. This Crl.M.C is, accordingly allowed. The petitioner shall appear before the learned Magistrate through his counsel on the next date of posting (ie. 26.07.07). He shall apply for exemption from his personal appearance

and the learned Magistrate shall allow such exemption until further orders. Personal appearance of the petitioner shall be insisted by the learned Magistrate only when such presence is absolutely essential to proceed with the trial of the case hereafter. The warrant issued by the learned Magistrate shall not be executed till 26.07.07. The petitioner shall appear through his counsel on that date.

(R.BASANT, JUDGE)

rtr/-